

REMARKS

Applicants acknowledge receipt of the Office Action mailed June 9, 2010. The Office Action<sup>1</sup> takes the following actions:

1. It rejects claims 1, 2, 4, 5, and 30-34 as directed to non-statutory subject matter under 35 U.S.C. § 101;
2. It rejects claims 2, 4, and 5 as indefinite under 35 U.S.C. § 112, second paragraph;
3. It rejects claims 1, 2, 4<sup>2</sup>, 6-8, 10, 12-15, 27, and 30-32 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,615,408 to Johnson et al. ("Johnson") in view of U.S. Patent No. 7,620,592 to O'Mara et al. ("O'Mara");
4. It rejects claim 28 under 35 U.S.C. § 103(a) as obvious over U.S. Patent Publication No. 2002/0042763 to Pillay et al. ("Pillay");
5. It rejects claim 5 and 11 under 35 U.S.C. § 103(a) as obvious over *Johnson* in view of *O'Mara* and further in view of U.S. Patent No. 7,231,202 to Natsuno ("Natsuno").
6. It rejects claim 16, 18-25, 33, and 34 under 35 U.S.C. § 103(a) as obvious over *Johnson* in view of *O'Mara* and further in view of U.S. Patent No. 7,024,386 to Mills et al. ("Mills"); and

In this reply, Applicants amend claims 2, 4, 5, 16, 19, 28, and 33. Claims 1, 2, 4-8, 10-16, 18-25, 27, 28, and 30-34 remain pending and under examination. The

<sup>1</sup> The Office Action may contain statements reflecting characterization of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

<sup>2</sup> The Examiner rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over *Johnson* in view of *O'Mara*. However, Applicants had previously cancelled claim 3.

originally-filed specification, claims, abstract, and drawings fully support the amendments to the pending claims. No new matter has been added.

**I. 35 U.S.C. § 101 REJECTION**

The Office Action rejects claims 1, 2, 4, 5, and 30-34 as directed to non-statutory subject matter under 35 U.S.C. § 101. Applicants respectfully traverse this rejection.

The Office issued interim guidance for determining subject matter eligibility for process claims in view of the recent Supreme Court decision in *Bilski vs. Kappos*, No. 08-964 (June 28, 2010). In its guidance, the Office stated that a method claim is “patent eligible so long as it is not disqualified as one of the exceptions to § 101’s broad patent eligibility principles; i.e., laws of nature, physical phenomena, and abstract ideas.” See Interim Guidance for Determining Subject Matter Eligibility for Process Claims in View of *Bilski v. Kappos*, 75 Fed. Reg. 43,922, 43,925 (July 27, 2010) (“Interim Guidance”).

The Office also stated that claims are less likely to be drawn to an abstract idea if “the method involves or is executed by a particular machine or apparatus.” *Id.* The Office further indicated that factors including the “degree to which the machine in the claim can be specifically identified (not any and all machines),” “[w]hether the machine or apparatus implements the steps of the method,” and “[w]hether its involvement is extraneous activity” may be used to assess patentability. *Id.*

Applicants submit that claims 1, 2, 4, 5, and 30-34 are not drawn to a law of nature or to physical phenomena. Applicants further submit that these claims are not drawn to an abstract idea and comply with the Interim Guidance, and therefore recite statutory subject matter. For example, claim 1 recites at least a “computer system for managing information relating to credit of a customer,” which comprises specific

components such as “a credit information manager component,” “a credit limit manager component,” “a credit decision support component,” and “a credit rules engine.” each of which performs specific steps.

Because claim 1 is not drawn to a law of nature or physical phenomena, and does not recite an abstract idea, it is patent eligible. Claims 2, 4 and 5 depend on claim 1 and therefore are also patent eligible for at least the reasons stated.

The Office Action alleges that claims 30-34 are not patent eligible because they are not tied to a machine and do not transform underlying subject matter. (*Office Action*, pg. 2-3.) The Supreme Court, however, held in *Bilski* that the Office’s machine or transformation test is “not the sole test for deciding whether an invention is a patent-eligible ‘process.’” *Bilski*, Slip op. at 6, 8, 16. Thus, the Office’s rejection of claims 30-34 under the machine or transformation test is improper and should be withdrawn. Claims 30-34 recite *inter alia* “a computer-readable medium storing instructions which when executed by a processor.” Because claims 30-34 are not drawn to a law of nature or physical phenomena, and do not recite an abstract idea, they are patent eligible.

Based on the foregoing reasons, Applicants respectfully request that the rejections of claims 1, 2, 4, 5, and 30-34 under 35 U.S.C. § 101 be withdrawn.

## II. 35 U.S.C. § 112 REJECTION

The Office action rejects claims 2, 4, and 5 as indefinite under 35 U.S.C. § 112 second paragraph. Specifically the Office Action alleges that “[c]laim 1 is directed to a computer system while the dependent claims are directed to a credit management system.” (*Office Action*, pg. 4.) Applicants amend claims 2, 4, and 5 to recite at least “[a] computer system as in claim 1.”

Based on the foregoing reasons, Applicants respectfully request that the rejections of claims 2, 4, and 5 under 35 U.S.C. § 112, second paragraph, be withdrawn.

## II. 35 U.S.C. § 103(a) REJECTION

“The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements.” M.P.E.P. § 2142, 8th Ed., 8th Ed., Rev.7 (July 2008) (internal citation and inner quotation omitted). “[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

The M.P.E.P. also states that “[t]he examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusions of common knowledge.” M.P.E.P. § 2144.03(B). The M.P.E.P. further rejects “the notion that judicial or administrative notice may be taken of the state of the art. The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amenable to the taking of such notice.” M.P.E.P. § 2144.03(A) (citations omitted).

**Claims 1, 2, 4, 6-8, 10, 12-15, 27, and 30-32**

Applicants respectfully traverse the rejection of claims 1, 2, 4, 6-8, 10, 12-15, 27, and 30-32 under 35 U.S.C. § 103 as obvious from *Johnson* in view of *O'Mara*. A *prima facie* case of obviousness has not been established.

Claim 1 calls for a combination including, for example, “a credit information manager component which communicates credit information with third party credit information providers, and collects credit information about the customer, wherein collecting credit information includes analyzing internal customer data, obtaining customer data from at least one business partner, monitoring credit data validity, and automatically updating credit data.” (Emphasis added.) *Johnson* fails to teach or suggest at least “wherein collecting credit information includes analyzing internal customer data, obtaining customer data from at least one business partner, monitoring credit data validity” as recited in claim 1 and similarly in claims 6, 12, and 30.

The Examiner alleged that col. 9, lines 1-7 of *Johnson* constitutes the claimed “credit information about the customer, wherein collecting credit information includes analyzing internal customer data, obtaining customer data from at least one business partner, monitoring credit data validity, and automatically updating credit data.” (*Office Action*, pg. 5.) However, this is not correct.

The passage relied upon by the Office Action discloses only that “a credit score is obtained [and] stored in a credit scores database,” (*Johnson* 8:57-58) and that if “the initial credit score is not known, an initial credit score may be obtained from the credit bureau . . . . Other initial parameters which are set are the initial credit limit and the time period for credit update.” (*Id.* at 9:3-5, emphasis added.) Nothing in this

passage or the remainder of *Johnson* teaches or suggests that "collecting credit information includes analyzing internal customer data, obtaining customer data from at least one business partner, monitoring credit data validity, and automatically updating credit data" as recited in claim 1 and similarly in claims 6, 12, and 30.

The Examiner cited *O'Mara* as teaching "receives, compiles, calculates or otherwise collects a broad range of information or data elements in various data element categories for individual merchants." (*Office Action*, pg. 6.) Even assuming the Office Action's characterization of *O'Mara* is correct, which Applicants do not concede, *O'Mara* fails to cure the deficiencies of *Johnson*, discussed above. That is, *O'Mara*, also, fails to teach or suggest that "collecting credit information includes analyzing internal customer data, obtaining customer data from at least one business partner, monitoring credit data validity, and automatically updating credit data" as recited in claim 1 and similarly in claims 6, 12, and 30.

Further, the Office Action concedes that "both *Johnson* and *O'Mara* don't explicitly disclose an internal credit limit." (*Office Action*, pg. 6.) Nevertheless, the Office Action states that the "examiner finds it to have been obvious to derive an internal credit limit from a calculated internal credit score because the credit score's value is regularly used to measure credit worthiness in the extending credit." (*Id.*) To the extent, the Examiner relies on common knowledge or official notice of the state of the art in making this statement, Applicants traverse the rejection of claims 1, 2, 4, 6-8, 10, 12-15, 27, and 30-32 based on this statement.

The Office Action fails to provide any factual findings or documentary evidence to support its conclusion that deriving an internal credit limit from a calculated internal

credit score was obvious. It also fails to explain why generating "internal credit limits by applying credit rules to: the credit information; the credit data received from the credit information manager; the credit limit master data; the calculated open and used credit; and the accounting information relating to said customer" as recited in claim 1 would be obvious to one of ordinary skill in the art. Moreover, even if the Examiner's statement were appropriate, which Applicants do not concede, such a statement does not overcome the deficiencies of *Johnson* and *O'Mara* discussed above.

In view of the mischaracterization of the prior art cited in the Office Action, the Examiner has neither properly determined the scope and content of the prior art nor ascertained the differences between the claimed limitations and the prior art. Moreover, the Examiner has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least these reasons, no *prima facie* case of obviousness has been established. The rejection of claims 1, 6, 12 and 30, and dependent claims 2, 4, 7, 8, 10, 11, 13-15, 31, and 32 under 35 U.S.C. § 103 as being obvious over *Johnson* in view of *O'Mara* is thus improper and should be withdrawn.

### **Claim 28**

Applicants respectfully traverse the rejection of claim 28 under 35 U.S.C. § 103 as obvious from *Pillay*. A *prima facie* case of obviousness has not been established.

Amended claim 28 calls for a combination including, for example, "obtaining, by a computer, a first list of customers from an accounts receivable system, [and] obtaining, by a computer, a second list of customers from a billing system." *Pillay* fails to teach or

suggest at least “obtaining, by a computer, a first list of customers from an accounts receivable system, [and] obtaining, by a computer, a second list of customers from a billing system” as recited in claim 28.

The Examiner acknowledges that “Pillay does not explicitly disclose taking information relating to a predetermined percentage of customer, reporter [sic] by the account receivable system, a predetermined percentage reported by the billing system, critical customers’ information, and suspicious customers’ information and preparing a report there from.” (*Office Action*, pg. 13.) Nevertheless, the Examiner alleges that Pillay discloses “preparing a report that considers information from the billing system account receivable system critical information and suspicious information which are all embodies on the credit report.” (*Id.*) Even assuming the Examiner’s characterization of Pillay is correct, which Applicants do not concede, Pillay fails to teach or suggest at least “obtaining, by a computer, a first list of customers from an accounts receivable system, [and] obtaining, by a computer, a second list of customers from a billing system” as recited in claim 28. (Emphasis added.)

The Office Action also alleges that “[i]t would have been obvious to limit the report generation to utilizing predetermined percentages of available information for the purpose of allowing forgiveness on past adverse credit events.” (*Office Action*, pg. 13.) To the extent, the Examiner relies on common knowledge or official notice of the state of the art for this statement, Applicants traverse the rejection of claim 28 based on this statement. Moreover, even if the Examiner’s statement were appropriate, which Applicants do not concede, such a statement does not overcome the deficiencies of *Johnson* and *O’Mara* discussed above.

Accordingly, for the above reasons, the Examiner has not clearly articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least these reasons, no *prima facie* case of obviousness has been established. The rejection of claim 28 under 35 U.S.C. § 103 as being obvious over *Pillay* is thus improper and should be withdrawn.

**Claims 5 and 11**

Applicants respectfully traverse the rejection of claims 5 and 11 under 35 U.S.C. § 103 as obvious from *Johnson* in view of *O'Mara* and further in view of *Natsuno*. A *prima facie* case of obviousness has not been established.

Claim 5, which depends from claim 1, calls for a combination including, for example, generating “internal credit scoring and internal credit limits” by applying credit rules using a “credit rules engine to customer information input into said credit management system said customer information comprising customer profession and age information.” *Natsuno* fails to teach or suggest at least applying credit rules by a “credit rules engine to customer information input into said credit management system said customer information comprising customer profession and age information” as recited in claim 5 and similarly in claim 11.

The Examiner alleged that elements “customer profession” and “age” of *Natsuno* constitutes the claimed applying credit rules by a “credit rules engine to customer information input into said credit management system said customer information comprising customer profession and age information.” However, this is not correct.

*Natsuno* purports to teach the collection of the employment and age information of a user when the user requests a credit card contract from a credit card company.

(See *Natsuno* 8:15-17, 12:3-4). *Natsuno*, however, fails to teach or suggest applying credit rules by a “credit rules engine to customer information input into said credit management system said customer information comprising customer profession and age information.”

The Examiner also cited *Johnson* and *O'Mara* as a teaching the elements of claim 1. (*Office Action*, pg. 13.) As discussed above, however, neither *Johnson* nor *O'Mara* teach or suggest all the elements of the independent claims 1 and 6 from which claims 5 and 11 depend respectively. Even assuming the Office Action's characterization of *Natsuno* is correct, which Applicants do not concede, *Natsuno* fails to cure the deficiencies of *Johnson* and *O'Mara*, discussed above. That is, *Natsuno*, also, fails to teach or suggest “collecting credit information includes analyzing internal customer data, obtaining customer data from at least one business partner, monitoring credit data validity, and automatically updating credit data,” as recited in claims 1 and 6.

In view of the mischaracterization of the prior art cited in the Office Action, the Examiner has neither properly determined the scope and content of the prior art nor ascertained the differences between the claimed limitations and the prior art. Moreover, the Examiner has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least these reasons, no *prima facie* case of obviousness has been established. The rejection of claims 5 and 11, under 35 U.S.C. § 103 as being obvious over *Johnson* in view of *O'Mara* and further in view of *Natsuno* is thus improper and should be withdrawn.

**Claims 16, 18-25, 33, and 34 under 35**

Applicants respectfully traverse the rejection of claims 16, 18-25, 33, and 34 under 35 U.S.C. § 103 as obvious from *Johnson* in view of *O'Mara* and further in view of *Mills*. A prima facie case of obviousness has not been established.

Claim 16 calls for a combination including, for example, "calculating, by a computer, a total exposure from said internal accounting information, wherein the total exposure comprises a total of said open items, said new orders, and said unbilled and billed but not posted items." The Examiner concedes that *Johnson* does not disclose "wherein said internal accounting information comprises data relating to open items, new orders, and unbilled and billed but not posted items" as recited in claim 16 and similarly in claims 19 and 33. (*Office Action*, pg. 15.) *O'Mara* also does not recite these elements.

The Examiner cited *Mills* as a teaching of "credit limits based on new trades." (*Id.*) Even assuming the Office Action's characterization of *Mills* is correct, which Applicants do not concede, *Mills* fails to cure the deficiencies of *Johnson* and *O'Mara*, discussed above. That is, *Mills*, also, fails to teach or suggest "calculating, by a computer, a total exposure [comprising] a total of said open items, said new orders, and said unbilled and billed but not posted items" as recited in claim 16. *Mills*, at best, purports to disclose "netting when adjusting utilized credit after deal execution." (*Mills* 12:64-65, emphasis added.) *Mills* discloses calculating the credit exposure as a net of the currency delivered and currency received due to the sale and purchase of the same

instrument or a group of designated instruments by two netting parties. (See *Mills* 12:63-15:32.) However, neither this portion of *Mills*, nor any other, constitutes a teaching of "calculating, by a computer, a total exposure from said internal accounting information, wherein the total exposure comprises a total of said open items, said new orders, and said unbilled and billed but not posted items" as recited in claim 16 and similarly in claims 19 and 33. (Emphasis added.)

In view of the mischaracterization of the prior art cited in the Office Action, the Examiner has neither properly determined the scope and content of the prior art nor ascertained the differences between the claimed limitations and the prior art. Moreover, the Examiner has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least these reasons, no *prima facie* case of obviousness has been established. The rejection of claims 16, 19, and 33, and dependent claims 18, 20-25, and 34, under 35 U.S.C. § 103 as being obvious over *Johnson* in view of *O'Mara* and further in view of *Mills* is thus improper and should be withdrawn.

#### IV. CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the claims in condition for allowance. Applicants submit that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in

the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 30, 2010

By: /Abhay A. Watwe/

Abhay A. Watwe  
Reg. No. 59,461